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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,037	07/24/2006	He Ni	59369-232677	3178
26694 7590 09/02/2008				
VENABLE LLP				
P.O. BOX 34385				
WASHINGTON, DC 20043-9998				
EXAMINER				
O'BRIEN, JEFFREY D				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
09/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,037

Applicant(s)

NI, HE

Examiner

Jeffrey O'Brien

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/24/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
2. The term "intension" used throughout the specification seems to be used to mean the state of being strained or stretched, however, phrases such as "A wood handle...is low in intension" and "lower intension" should be corrected as they are not grammatically correct.
3. The term "infarctuate" is unclear as a definition cannot be found. The term "infarct" generally relates to pathology. This terminology should be corrected to properly indicate Applicant's meaning.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 4 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kjellstrom (US 2,360,240) herein referred to as '240.
6. For Claim 4, '240 discloses a handle (Fig. 2) comprising a centric chip (24) having a quadrate cross section; four circumjacent chips (1a, 2a, 3a, 23a), each of which has a curved cross section; wherein the handle with a round cross section (wherein round is taken to mean free from angularity) is formed by bonding the centric

chip with four circumjacent chips. (It is also noted that those of ordinary skill in the art would appreciate that a modification such as a mere change in shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjellstrom (US 2,360,240) herein referred to as '240.

10. For Claim 6, '240 discloses the handle as claimed in claim 4, except wherein the centric chip is formed by bonding two small chips each having a quadrate cross section. '240 instead discloses the centric chip as a single quadrate piece. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to make the centric chip of '240 out of a plurality of small chips, since it has been held that

constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

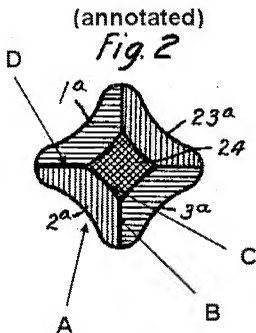
11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjellstrom (US 2,360,240) herein referred to as '240 as applied to claim 4 above and further in view of Hertel (US 4,394,409) herein referred to as '409.

12. For Claim 5, '240 discloses the handle as claimed in claim 4, wherein the cross section of each circumjacent chip (2a is used for to illustrate) is comprised of a curved border (annotated Fig. 2: A), a short straight border (B), and a long straight border (C, D), wherein each long straight border (C,D)is bonded with the centric chip (24) and each short straight border (B) is bonded with the long straight border (D) of the neighboring circumjacent chip (3a is used to illustrate) at a portion where the long straight border extends from the centric chip.

13. '240 does not disclose wherein the short straight border with a length shorter than the long straight border is perpendicular to the long straight border. It would have been an obvious matter of design choice to make the long straight border and short straight border perpendicular, as Applicant has not disclosed that it solves any stated problem of the prior art or is for any particular purpose. It appears that the perpendicular long straight border and short straight border would perform equally well as the long straight border and short straight border of '240 having a non-perpendicular angle as disclosed by '240.

14. Further '409 teaches that it is well known to use a long straight border and short straight border arranged perpendicularly and bonded about a quadrangle as is clearly

seen in Fig. 3. It would have been obvious to one of ordinary skill in the art to apply the perpendicularly arranged long straight border and short straight border of '409 to the handle of '240 in order to allow for simpler parts having fewer angles thus making the handle easier to manufacture.



Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See enclosed notice of references cited form for complete listing of relevant references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Friday 8:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677

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